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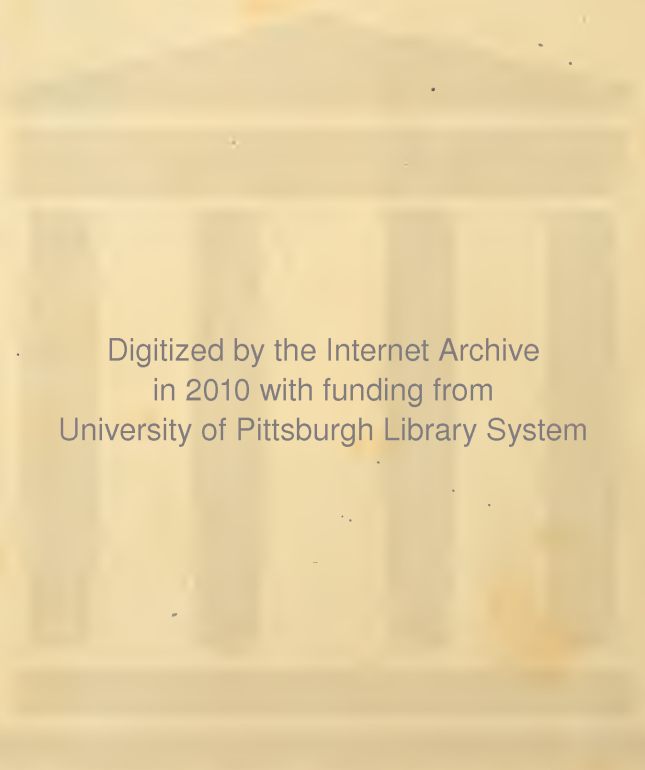
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CONSTITUTION  
OF THE  
STATE OF NEBRASKA.



JOINT RESOLUTION,  
SUBMITTING A CONSTITUTION FOR A STATE GOVERNMENT  
TO THE PEOPLE FOR THEIR APPROVAL  
OR REJECTION.

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AT THE CAPITOL, FEBRUARY, 1866.

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"Nebraska Republican" Job Office:  
1866.

**JOINT RESOLUTION,**

Submitting a Constitution for a State Government to the People or their  
approval or rejection.

CONSTITUTION  
OF THE  
STATE OF NEBRASKA.

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PREAMBLE.

We, the people of Nebraska, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare, do establish this Constitution.

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ARTICLE I.

DECLARATION OF RIGHTS.

§ 1. All men are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

§ 2. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

§ 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted: and the jury shall have the right to determine the law and the fact.

§ 4. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

§ 5. The right of trial by jury shall remain inviolate, but the legislature may authorize trial by a jury of a less number than twelve men, in inferior courts.

§ 6. All persons shall be bailable by sufficient sureties, except for capital offences, where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed, nor cruel and unusual punishments inflicted.



§ 7. In all criminal prosecutions and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

§ 8. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war, or public danger; and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion the public safety may require.

§ 9. All courts shall be open, and every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

§ 10. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

§ 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

§ 12. No bill of attainder, ex-post-facto law, nor any law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

§ 13. The property of no person shall be taken for public use without just compensation therefor.

§ 14. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment, or descent of property.

§ 15. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

§ 16. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to



good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship and to encourage schools and the means of instruction.

§ 17. The military shall be in strict subordination to the civil power.

§ 18. The writ of error shall be a writ of right in all capital cases, and shall operate as a supersedeas to stay the execution of the sentence of death until the further order of the Supreme Court in the premises.

§ 19. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

§ 20. This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

## ARTICLE II.

### LEGISLATIVE.

§ 1. The legislative authority of this State shall be vested in a General Assembly which shall consist of a Senate and House of Representatives, and the style of every law shall be

*"Be it enacted by the Legislature of the State of Nebraska"*

§ 2. Every male person of the age of twenty-one years, or upwards, belonging to either of the following classes, who shall have resided in the state, county, precinct and ward, for the time provided by law, shall be an elector:

*First*—White citizens of the United States.

*Second*—White persons of foreign birth who shall have declared their intention to become citizens conformable to the laws of the United States on the subject of naturalization.

§ 3. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and seventy-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

§ 4. Senators and Representatives shall be elected bi-ennially, by the electors in the respective counties or districts, on the second Tuesday of October. Their term of office shall commence on the first day of January next thereafter, and continue two years, except the Senators and Representatives to the first legislature under this Constitution, whose election and term of office shall be as hereinafter provided.

§ 5. The Senators and Representatives shall be chosen by districts of convenient, contiguous territory, as compact as may be, to be defined by law, except as to the first election which is hereinafter provided for.

*See Schedule & p 14.-1*

*See Sec 5*

*See Sec 3*

*See P. 15 Sec 4*

§ 6. Every white male citizen, who shall be a qualified elector in the district which he may be chosen to represent, shall be eligible to a seat in the Legislature.

§ 7. Each House shall be the judge of the election and qualifications of its own members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

§ 8. The Senate shall consist of thirteen members, and the House of Representatives shall consist of thirty-nine members and shall not be increased for the term of ten years after the adoption of this Constitution; *Provided*, that after the expiration of said ten years, the Legislature shall have the power to increase the number of senators and representatives, so as to correspond with the increase of the population of the State; *Provided*, such number shall at no time be more than twenty-five in the Senate and seventy-five in the House of Representatives.

§ 9. The mode of organizing the House of Representatives at the commencement of each regular session shall be prescribed by law.

§ 10. Each House shall choose its own officers, may determine its own rule of proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all other powers necessary to provide for its safety and the undisturbed transaction of its business.

§ 11. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any three members in the Senate, or any five members in the House, the ayes and nays shall be entered upon the journal, and on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal, and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

§ 12. The first session of the Legislature under this Constitution shall be held on the fourth day of July, one thousand eight hundred and sixty-six; and all regular sessions thereafter shall commence on the first Thursday after the first Monday in January, bi-ennially. But the Legislature may on extraordinary occasions be convened by proclamation of the Governor, and when so convened shall transact no business, except such as relates to the objects for which they were so convened, to be stated in the proclamation of the Governor.

§ 13. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

§ 14. No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.



§ 15. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

§ 16. Members of the Legislature shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, nor shall they be subject to any civil process, during the session of the Legislature, nor for fifteen days next before the commencement, and after the termination of each session.

§ 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

§ 18. Bills may originate in either house; but may be altered, amended or rejected in the other.

§ 19. Every bill shall be fully and distinctly read on three different days, unless, in case of urgency, three-fourths of the house in which it shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended, unless the new act contain the entire act revived, and the sections amended; and the section or sections so amended shall be repealed.

§ 20. The presiding officer of each House shall sign publicly, in the presence of the House over which he presides, while the same is in session and capable of transacting business, all bills and joint resolutions passed by the Legislature.

§ 21. Each member of the Legislature shall receive for his services three dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the Legislature, on the most usual route.

*Provided however,* That they shall not receive pay for more than forty days at any one session.

§ 22. The Legislature shall never authorize any lottery, or grant any divorce.

§ 23. The Legislature shall provide by law that all stationery required for the use of the State, and all printing authorized and required by them to be done for their use, or for the State, shall be let by contract to the lowest bidder; but the Legislature may establish a maximum price. No member of the Legislature, or other State officer, shall be interested, either directly or indirectly, in any such contract.

§ 24. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

§ 25. Members of the Legislature, and all officers executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully to discharge the duties of their respective offices to the best of their ability.

§ 26. The Legislature shall determine what persons shall constitute the Militia of the State, and may provide for organizing and disciplining the same, in such manner as shall be prescribed by law.

§ 27. In all elections by the Legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the Journal.

§ 28. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the Senators when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the Senators.

§ 29. The Governor, Secretary of State, Auditor, Treasurer, and Judges of the Supreme and District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted, shall nevertheless be liable to indictment, trial and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the Legislature may provide.

§ 30. No money shall be drawn from the Treasury, except in pursuance of a specific appropriation made by law; and no appropriation shall be made for a longer period than two years.

§ 31. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this Constitution.

§ 32. The Legislature shall not authorize the borrowing of money or the issuance of State bonds for any sum exceeding in the aggregate fifty thousand dollars, without submitting a proposition therefor to a vote of the people for their approval or rejection, except in case of war to repel invasion or suppress insurrection.

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## EXECUTIVE.

§ 1. The Executive Department shall consist of a Governor, Secretary of State, Auditor and Treasurer, who shall be chosen by the electors of the State on the second Tuesday of October, and at the places of voting for members of the Legislature.

§ 2. The Governor, Secretary of State, and Treasurer shall hold their offices for two years; and the Auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

§ 3. The returns of every election, for the officers named in the foregoing section, shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the President of the Senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the Legislature.

The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

§ 4. No person except a citizen of the United States and a qualified elector of the State, shall be eligible to any office provided for by this Constitution.

§ 5. Should there be no session of the Legislature in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the Secretary of State, and opened, and the result declared by the Governor, in such manner as may be provided by law.

§ 6. The supreme executive power of this State, shall be vested in the Governor.

§ 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

§ 8. He shall communicate at every session, by message to the Legislature, the condition of the State, and recommend such measures as he shall deem expedient.

§ 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

§ 10. In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the Legislature to such time as he may think proper, but not beyond the regular meetings thereof.

§ 11. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

§ 12. He shall have power, after conviction, to grant reprieves, commutations and pardons, for all crimes and offences, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations as to the manner of applying for pardon as may be prescribed by law.

Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the Legislature, at its next meeting, when the Legislature shall either pardon, commute the sentence, direct its execution, or grant a further reprieve.

He shall communicate to the Legislature at every regular session, each case of reprieve, commutation, or pardon granted; stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

§ 13. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially; and shall be called "The Great Seal of the State of Nebraska."

§ 14. All grants and commissions shall be issued in the name, and by the authority of the State of Nebraska, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State.



§ 15. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.

§ 16. In case of the impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Secretary of State, until such disability shall cease, or the vacancy be filled.

§ 17. If, during the vacancy of the office of Governor, the Secretary of State shall be impeached, displaced, resign, die, or be absent from the State, the powers and duties of the office of Governor shall devolve upon the President of the Senate; and should a vacancy occur by impeachment, death, resignation, or absence from the State of the President of the Senate, the Speaker of the House of Representatives shall act as Governor till the vacancy be filled.

§ 18. The Governor shall receive during his continuance in office an annual compensation of one thousand dollars; the Secretary of State, six hundred dollars; the State Treasurer, four hundred dollars; and the State Auditor, eight hundred dollars.

§ 19. Every bill which shall have passed the Legislature, shall before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses, shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, unless the Legislature shall by their adjournment prevent its return, in which case it shall not be a law.

§ 20. The Secretary, Auditor, and Treasurer of State, shall severally perform such duties, as shall be prescribed by law.

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## JUDICIARY.

§ 1. The judicial power of the State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such inferior courts as the Legislature may from time to time establish.

The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and shall hold a term of the Supreme Court at the seat of government of the State annually. Said Supreme Judges shall be elected by the qualified elec-



tors of the State, at such time, and in such manner as may be provided by law. Said Justices of the Supreme Court shall hold their office for the term of six years from the time of their election and until their successors shall have been elected and qualified.

§ 2. The State shall be divided into three judicial districts, and the District Courts shall be held at such times and places as may be provided by law, and the Legislature shall by law assign the Justices to hold District Courts in the several districts: *Provided*, that until the Legislature shall have provided by law, the Governor shall have authority to make such assignment.

§ 3. The Supreme Court shall have appellate jurisdiction only except in cases relating to revenue, mandamus, quo warranto, habeas corpus, and such cases of impeachment as may be required to be tried before it; and both the Supreme and District Courts shall have both chancery and common law jurisdiction.

§ 4. The jurisdiction of the several courts herein provided for, both appellate and original shall be as fixed by law, *Provided*, that Probate Courts, Justices of the Peace or any inferior court that may be established by the Legislature shall not have jurisdiction in any matter wherein the title or boundaries of land may be in dispute. Nor shall either of the courts mentioned in this proviso have power to order or decree the sale or partition of real estate: and *Provided*, further, that Justices of the Peace, and such inferior courts as may be established by the Legislature, shall not have jurisdiction when the debt or sum claimed shall exceed one hundred dollars, and the jurisdiction of the District and Probate courts, and Justices of the Peace shall be uniform throughout the State.

§ 5. Probate Judges, Justices of the Peace, and persons holding inferior courts, herein authorized to be established by the Legislature, shall be elected by the electors of the several districts for which they may be elected in the manner and time fixed by law.

§ 6. The salary of the Justices of the Supreme Court shall be two thousand dollars each per annum and no more; and all other judicial officers shall be paid for their services in fees to be prescribed by law.

§ 7. The Legislature shall by law provide that on the entry or commencement of any suit in the District Court, the party so commencing or entering such suit, shall, before the same is so commenced or entered, pay to the clerk of said District Court the sum of five dollars; and in like manner on the entry or commencement of any suit in the Supreme Court, shall pay the sum of ten dollars to the clerk thereof, which money so paid, shall be for the use of the State, and shall be paid by said clerks to the proper offices designated by law, as by law may be required; which money so received shall be held and esteemed as a judiciary fund, and to be applied in payment of the salaries of the Justices of the Supreme Court. Which amounts so paid shall be taxed as costs against the unsuccessful party, and collected as other costs: *Provided*, the Legislature may provide by law for dispensing with the payment of said sums of money in cases where the party so commencing or entering suit shall be really unable to pay the same, and the amount shall in all cases be taxed and collected as other costs: *Provided*, also, that the Legislature

shall have power whenever the amount so received shall exceed the salaries of the Judges of the Supreme Court, to reduce the amount to be paid so that the gross amount will not exceed such salaries.

§ 8. The Legislature may, after the year one thousand eight hundred and seventy-five, increase the number of Justices of the Supreme Court, and the judicial districts of the State.

§ 9. In all cases heard before the Supreme Court, as an appellate court, the Justice who may have tried such cause in the court below shall not participate in the decision thereof until the other two Justices, if present, shall have failed to agree in the decision of such cause.

§ 10. All process, writs, and other proceedings shall run in the name of "*The people of the State of Nebraska.*"

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## FINANCE.

§ 1. No money shall be paid out of the treasury, except in pursuance of an appropriation by law.

§ 2. The credit of the State shall never be given or bound in aid of any individual, association, or corporation.

§ 3. The Legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

§ 4. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall never in the aggregate exceed fifty thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each House, to be taken by yeas and nays, shall be necessary to the passage of such laws; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within ten years from the passage of such law; and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished until the principal and interest of such debt shall have been wholly paid.

§ 5. The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the re-payment of the debt thereby created.

§ 6. The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal im-

provement, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

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### EMINENT DOMAIN.

§ 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to the State, and any other State or Territory now or hereafter to be formed and bounded by the same. And the river Missouri, and the navigable waters leading into the Missouri, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the State as to the citizens of the United States, without any tax, impost, or duty therefor.

§ 2. The title to all lands and other property, which have accrued to the Territory of Nebraska, by grant, gift, purchase, forfeiture, escheat or otherwise, shall vest in the State of Nebraska.

§ 3. The people of the State, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail from a defect of heirs, shall revert, or escheat to the people.

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### EDUCATION.

§ 1. The principal of all funds arising from the sale, or other disposition of lands or other property, granted or entrusted to this State for educational and religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations. The Legislature shall make such provisions by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but no religious sect or sects. shall ever have any exclusive right to, or control of any part of the school funds of this State.

§ 2. The university lands, school lands, and all other lands which have been acquired by the Territory of Nebraska, or which may hereafter be acquired by the State of Nebraska for educational or school purposes, shall not be aliened or sold for a less sum than five dollars per acre.

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### CORPORATIONS.

§ 1. The Legislature shall pass no special act conferring corporate powers.

§ 2. Corporations may be formed under general laws.

§ 3. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.



§ 4. The Legislature shall provide for the organization of cities and incorporated villages by general laws; and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credits, so as to prevent the abuse of such power.

### AMENDMENTS.

§ 1. If at any time a majority of the Senate and House of Representatives shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the Legislature shall at its next session provide for calling such convention.

### BOUNDARIES.

§ 1. The State of Nebraska shall consist of all the territory included within the following boundaries, to-wit: Commencing at a point formed by the intersection of the western boundary of the State of Missouri, with the fortieth degree of north latitude; extending thence due west along said fortieth degree of north latitude, to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence north along said twenty-fifth degree of longitude, to a point formed by its intersection with the forty-first degree of north latitude; thence west along said forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude west from Washington; thence north along said twenty-seventh degree of west longitude, to a point formed by its intersection with the forty-third degree of north latitude; thence east along said forty-third degree of north latitude to the Royal Gorge river; thence down the middle of the channel of said river, with its meanderings, to its junction with the Niobrara River; thence down the middle of the channel of said Niobrara River, and following the meanderings thereof to its junction with the Missouri River; thence down the middle of the channel of said Missouri River, and following the meanderings thereof to the place of beginning.

### SCHEDULE.

§ 1. That no inconvenience may arise from the change of territorial government to a State government, it is declared that all rights, suits, actions, prosecutions, judgments, recognizances, claims and contracts, both as respects persons and bodies corporate, shall continue and be enforced as if no change had taken place, and all laws now in force shall remain in force until altered, amended, or repealed by the Legislature; *Provided*, wherever the word Territory shall occur, it shall be construed to mean State, whenever it may be necessary, in order that such laws may conform to the State government.

§ 2. All debts, fines, penalties, recognizances, and forfeitures, due and owing to the Territory of Nebraska, shall inure to the benefit of the State, and all obligations and bonds to the Territory of Nebraska or any office thereof, shall be esteemed and taken as due and owing to the State of Nebraska, and may be in such manner enforced.

§ 3. The Governor and all other officers of the Territorial government, shall continue to discharge and exercise the duties of their respective offices, until superseded by the provisions of this Constitution or the officers appointed or elected by authority of its provisions.

§ 4. The first election for Governor, Secretary of State, Auditor of State, one Representative to Congress, the Justices to the Supreme Court, the members of the Senate and House of Representatives, shall be held on the second day of June, one thousand eight hundred and sixty-six, at the places, and in the manner now prescribed by law for general elections. The members of the Senate shall be elected in and from the same districts that are now prescribed by law for councilmen districts. The members of the House of Representatives shall be elected in and from the same districts that are now prescribed by law, for members to the House of Representatives of the Territory of Nebraska, and all the officers mentioned, to-wit: Senators and Representatives shall hold their offices until the first Monday in January, A. D. 1867; Governor, Secretary of State, State Auditor and Treasurer, until the second Monday in January, A. D. 1869, and until their successors are elected and qualified; the Supreme Judges until the first day of January, A. D. 1873.

§ 5. The first session of the Legislature shall be held at the capitol in the city of Omaha, commencing on the fourth day of July, A. D. 1866.

§ 6. This Constitution is formed, and the State of Nebraska asks to be admitted into the Union on an equal footing with the original States on the condition and faith of the terms and propositions stated and specified in an act of congress approved April nineteenth, 1864, authorizing the people of the Territory to form a Constitution and State Government; the people of the State of Nebraska hereby accepting the conditions in said act specified.\*

§ 7. The foregoing Constitution shall be submitted to the electors of the Territory of Nebraska at an election to be held on the second day of June in the year one thousand eight hundred and sixty-six, in the several election districts of this Territory. The ballots at such elections shall be written or printed as follows:

Those in favor of the Constitution, "*For the Constitution.*"

Those against the Constitution, "*Against the Constitution.*"

The polls at said elections shall be opened at the hour of nine o'clock A. M., and closed at six o'clock P. M., and the returns of said elections shall be made to the acting Governor of the Territory, who, together with the United States District Attorney and Chief Justice of the Territory, or any two of them, shall canvass the same, and if a majority of the legal votes shall be cast for said Constitution, the same shall be the Constitution of Nebraska.

\*See Appendix.

Said Governor shall certify the same to the President of the United States; *Provided*, that the said election shall be conducted and the returns made in the same manner and under the same regulations as are prescribed by law, in the case of the election of Territorial officers.

The election returns for the Governor, Secretary of State, Auditor, Treasurer and Supreme Judges, shall be made to the same offices, and the canvass of such returns made in the same manner as is now prescribed by law for Delegate in Congress.

*Resolved by the Council and House of Representatives of the Territory of Nebraska*, That the foregoing Constitution be submitted to the qualified electors of the Territory, for their adoption or rejection, at an election, hereby authorized to be held at the time and in the manner specified in the seventh (7th) section of the Schedule of said Constitution, and that the returns and canvass of the votes cast at said election be made as in said section prescribed.

JAMES G. MEGEATH,

*Speaker of the House of Representatives.*

O. P. MASON,

*President of the Council.*

Approved, February 9th, 1866.

ALVIN SAUNDERS.

## APPENDIX.

The following sections of the Enabling Act passed by Congress, approved April 19th, 1864, and referred to in the foregoing schedule, contain the donations offered to the State of Nebraska:

SEC. 8. *And be it further enacted*, That provided the State of Nebraska shall be admitted into the union in accordance with the foregoing provisions of this act, that twenty entire sections of the unappropriated public lands within said State be selected and located by direction of the legislature thereof, on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be and they are hereby granted, in legal subdivisions of not less than one hundred and sixty acres, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the legislature shall prescribe.

SEC. 9. *And be it further enacted*, That fifty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

SEC. 10. *And be it further enacted*, That seventy-two other sections of land shall be set apart and reserved for the use and support of a State university, to be selected in manner as aforesaid, and to be appropriated and applied as the legislature of said State may prescribe for the purpose named, and for no other purpose.

SEC. 11. *And be it further enacted*, That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the Governor thereof, within one year after the admission of the State, and when so selected to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: *Provided*, That no salt spring or lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall, by this act, be granted to said State.

SEC. 12. *And be it further enacted*, That five per centum of the proceeds of the sales of all public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be paid to the said State for the support of common schools.







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